

KUTAK ROCK LLP

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Counsel for William A. Broschious, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:

MAHABUBUR RAHMAN,

Debtor.

WILLIAM A. BROSCIOUS, TRUSTEE,

Plaintiff,

v.

ASMA AKTER,

Defendant.

Case No. 22-31106 (KLP)

Chapter 7

Adv. Pro. No. 23-03004 (KLP)

ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Upon the *Motion for Default Judgment* (the "Motion") filed by William A. Broschious, Chapter 7 Trustee for the Bankruptcy Estate of Mahabubur Rahman (the "Trustee"), by counsel, seeking to recover certain transfers made to the Defendant, Asma Akter (the "Defendant"), and it appearing that entry of this Order is in the best interest of the Trustee, the estate of Mahabubur Rahman (the "Debtor"), the Debtor's creditors and other parties in interest; the Court having jurisdiction to consider the relief requested herein pursuant to 28 U.S.C. §§ 157, 1334 and 1409;

proper notice of the Motion having been provided to all necessary and appropriate parties, and no further notice being necessary; the Defendant having failed to plead or otherwise defend in this action after being properly served; and it further appearing the Clerk entered default against the Defendant pursuant to Rule 7055 of the Federal Rules of Bankruptcy Procedure; it is hereby **ORDERED, ADJUDGED, and DECREED** that¹

1. The Motion is granted.
2. With respect to Counts I and II, the Prepetition Transfers are deemed avoided pursuant to Virginia Code § 55.1-400 and -401 as fraudulent and voluntary conveyances, respectively.
3. With respect to Count III, pursuant to Virginia Code § 55.1-403, attorneys fees are recoverable in connection with these proceedings.
4. With respect to Count IV, the Postpetition Transfers are deemed avoided pursuant to 11 U.S.C. § 549 as unauthorized postpetition transfers.
5. With respect to Count V, the Court finds that the Defendant, Asma Akter, knowingly and willingly violated the automatic stay of 11 U.S.C. § 362 and the Debtor's estate has incurred damages in connection therewith.
6. Based on the foregoing, it is further ordered that monetary judgment is awarded against the Defendant, Asma Akter, in connection with the transfer of Ridwan & Inaaya Wings Inc. in the amount of \$79,033.50 with interest thereafter at the federal judgment rate from the date of judgment until paid. With respect to American Best Buffalo Wings LLC, M&S Wings Inc., Ridwan Beniya Wings II, and Mysha Management 2 Inc., the transfers are deemed avoided and the bankruptcy estate of Mahabubur Rahman is deemed the owner of such interest.

¹ Any capitalized terms used but not defined herein shall have the respective meanings ascribed to them in the Complaint filed in the above reference adversary proceeding.

7. With respect to the attorneys' fees incurred in connection with these proceedings, under both Count III and Count V, judgment is further awarded against the Defendant, Asma Akter, in the amount of \$8,913.00. Further, all fees incurred hereafter shall be added to this judgment amount and all rights and remedies are reserved in connection therewith.

8. The Clerk shall issue copies of this Order upon all parties set forth in the Certificate of Service of the Motion.

Date: Apr 14 2023

/s/ Keith L Phillips

United States Bankruptcy Judge

We ask for this

/s/ Jeremy S. Williams

Entered On Docket: Apr 19 2023

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**CERTIFICATION OF ENDORSEMENT
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)**

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Jeremy S. Williams